

MemorandumDEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT*Wayne Hedley - memo to file*

IN REPLY REFER TO:

3809.3-2
(UT08580)
UMC 327438
UMC 282391RECEIVED
AUG 07 1990DIVISION
OIL, GAS & MINING

Date: AUG 6 1990

AUG 06 1990

To : State Director (U-940)

FROM : District Manager, Vernal

SUBJECT: Assistance in Delivery of Noncompliance Letter

5/047/048

As you know, the Vernal District Office has no Bureau Law Enforcement personnel. Therefore, I am asking your assistance in making delivery of a letter of noncompliance in a surface mangement matter (see attached file). Mr. LaStella is the operator of record on the Sno-Ben #2 placer mining claim. He has conducted some mechanized equipment work outside of the project area as contained in a notice and has apparently abandoned the operations under notice. This abandonment has left nearly 5 acres unreclaimed, 8 test pits open, and an unsightly house trailer on the site.

The attached letter is a supplement to the undelivered letters of 3/30/90 and 4/30/90. The Post Master at Spanish Fork indicated he could only give out Mr. LaStella's home address if this were an enforcement matter.

If you have any questions, please contact Richard Wilson or Peter Sokolosky at 789-1362.

Attachments
letter



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
VERNAL DISTRICT OFFICE
170 SOUTH 500 EAST
VERNAL, UTAH 84078



IN REPLY REFER TO:
3809.3-2
(UT08580)
UMC 327438
UMC 282391

AUG 6 1990

DECISION

Joseph LaStella
P.O. Box 570
Spanish Fork, Utah 84660

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Sno-Ben #2

Notice of Noncompliance

On 4/23/90 a certified letter (attached) to your Vernal address of record was returned to the Vernal District Office. On 5/23/90 a second certified letter (attached) to your post office box in Spanish Fork, was returned as undelivered. Your failure to comply with the provisions of a 1/2/90 certified letter (P 777 179 460), your apparent abandonment of operations on the Sno-Ben #2 placer mining claim, and refusal to receive further correspondence from this office has forced me to hand over delivery of this notice of noncompliance by BLM Law Enforcement personnel.

Background:

On July 17, 1989, you submitted to this office a notice to conduct operations on Sno-Ben #2 Placer Mining Claim held by Leo Snow, et al. A few days later during an office visit you indicated you would come back in and amend the notice to show a reconfiguration of the area you planned to disturb.

On July 28, 1989, during a field inspection of the area by James V. Piani, Peter K. Sokolosky, and Richard S. Wilson, you again indicated you would come in and amend your notice relative to reconfiguration of the disturbed area. Further, you said you were responsible for excavating the eight new test pits on Sno-Ben #1 and #2, and that you would amend your notice to include these new disturbances.

A field check of the area by Richard S. Wilson on 2/16/90 indicated that you had not done any of the reclamation or removed your trailer house as was requested in our letter to you on 1/2/90 which allowed you until 2/15/90 to do so. Further, as of the date of this notice, we have not received an amended notice to cover the reconfiguration of the disturbances connected with the Sno-Ben #2 operational area or have we had any word from you whatsoever either in person, by telephone, or by mail.

Conclusions and Orders:

Relative to the Sno-Ben #2 operational area you, after repeated requests, have not submitted an amended notice or reclaimed the area and are in violation of 43 CFR 3809.1-3(c)(3)(d)(3)(4)(iv). You have also failed to notify the Vernal District Office of the change in your address as per 43 CFR 3809.1-3(c)(1).

It is hereby ordered that you reclaim all the disturbed areas within your Sno-Ben #2 project area, including filling in any excavated areas, recontouring to resemble the original shape of the terrain, spreading stored topsoil throughout these areas and reseeding. You are ordered to do the same for all your disturbances, including the eight test pits you dug, outside your project area. Your trailer house which is outside of your project area must also be removed.

The following are recommended seed types and quantities (pounds per acre) for a broadcast method of distribution in this area. For drill seeding, use one-half the indicated amount.

For areas above 4840 feet elevation:

Four Wing Saltbush	2 lbs.
Needle and Thread Grass	2 lbs.
Sand Drop Seed	2 lbs.
Globe Mallow	1 lb.
	<hr/> 7 lbs./acre

For areas below 4840 feet elevation:

Western Wheatgrass	4 lbs.
Saltgrass	3 lbs.
	<hr/> 7 lbs./acre

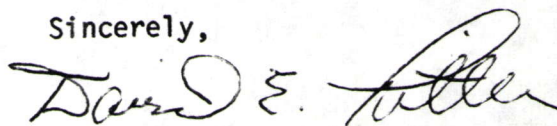
You have thirty (30) days from receipt of this notice to remove the house trailer and all miscellaneous material and to initiate the reclamation of disturbances. You will have an additional thirty (30) days from commencement of reclamation to complete surface reshaping and spreading of stockpiled topsoil with seeding to be conducted between 10/1/90 and 11/20/90, before the ground freezes. The area will be monitored by BLM personnel. You are to notify Richard S. Wilson, at 789-1362, prior to beginning seeding.

If you fail to comply with the above order, you will have established a record of noncompliance (43 CFR 3809.3-2(c)) and may be enjoined by an appropriate court order from continuing operation and be liable for damages.

When an operator has established a record of noncompliance, the authorized officer may require an operator to submit an approved plan of operations for subsequent actions that would otherwise be conducted under a notice and require a mandatory bond to be executed by the operator prior to any subsequent operations (43 CFR 3809.3-2(e)).

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

Sincerely,

A handwritten signature in cursive script, appearing to read "David E. Little".

David E. Little
District Manager

Enclosure

Certified letter of 3/30/90
Certified letter of 4/30/90

cc: Utah State Office, U-920
Lowell Braxton, DOGM
Leo Snow